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10/586,340	07/14/2006	Shigeaki Tamura	050070-0112	2434
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MCDERMOTT WILL & EMERY LLP			NWUGO, OJIAKO K	
600 13TH STREET, N.W.			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/586,340	<b>Applicant(s)</b> TAMURA, SHIGEAKI
	<b>Examiner</b> OJIAKO NWUGO	<b>Art Unit</b> 2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10/14/2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 July 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/DS/06) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

**A new non-final action is being issued as improper prior art date used.**

**CLAIMS 1-19 are pending with 43 in absolute number of claims.**

#### ***Response to Arguments***

Applicant's arguments, see Remarks, filed 10/14/2008, with respect to the rejection(s) of **claim(s) 1-19** under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Michael L. Obradovich U.S. Patent Application 2004/0036601 (Hereafter referred to as Obradovich).

The Claim Objections to **claims 17 and 18** and 112 rejection to **claims 8, 16 and 19** are hereby withdrawn in light of amendments.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claim1** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant uses the phrase "automatic traveling" whose definition is unclear.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-3, 11, 19/1, 19/11** are rejected under 35 U.S.C. 102(e) as being anticipated by Michael Obradovich 2004/0036601. (Hereafter referred to as Obradovich).

Regarding **Claim 1**, Examiner will assume that by "automatic traveling" applicant wishes to indicate navigation aid. Obradovich discloses in figs.1 and 2 and paragraph 45 a navigation system 205 in conjunction with user interface 119, are counterparts to control unit and multiplex communication unit, for inputting and outputting navigation/traveling information for and by the user and verbally/aurally guiding user to destination. This reads on "a control unit that inputs traveling information relating to automatic traveling of the vehicle and operation information relating to the automatic traveling for a user through at least one of a vehicle information terminal and a multiplex communication input/output unit, and activates the aural information providing unit to notify at least one state of a vehicle state relating to the automatic traveling, a warning relating to the automatic traveling, a guidance of an operation relating to the automatic traveling, and an answerback of the operation relating to the automatic traveling".

Regarding **Claim 2** (depends from **Claim 1**) Obradovich discloses in paragraph 45 navigation system 205 verbally/aurally and visually directing user to the vehicle, where display unit 117 is the visual information providing unit. This reads on

"characterized in that there is provided a visual information providing unit to visually display the various states of the vehicle, and the control unit causes a display mode relating to notification content of the aural information providing unit to be displayed by the visual information providing unit".

Regarding **Claim 3**, (depending from **claim 1**) Obradovich discloses in paragraph 45, disclose user interface 119 with the aid of a speaker provides synthesized voice notifications by way of questions. This reads on "characterized in that the control unit uses the aural information providing unit to send a notification by voice".

Regarding **Claim 11** (independent) Obradovich discloses in figs.1, 2, 23 and paragraphs 45, 125 a navigation system 205 in conjunction with user interface 119/terminal, are counterparts to control unit and multiplex communication unit, for generating warning. This reads on " visual information providing unit to visually display various states of a vehicle, an aural information providing unit to aurally notify the various states, and a control unit to control the visual information providing unit and the aural information providing unit, characterized in that the control unit inputs information of the vehicle through at least one of a vehicle information terminal and a multiplex communication input/output unit, activates the aural information providing unit about at least information relating to warning content in the information, and activates the visual information providing unit as well as the aural information providing unit".

Regarding **Claims 19/1 and 19/11** Obradovich discloses in paragraph 45 navigation unit 205 receiving and registering/storing destination settings information.

The destination settings information is inherently customized; the navigation direction request mode being analogous to customized mode.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 4, 6, 7/6, 10/6, 19/6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Obradovich in view of Jun Oouchi U.S. Patent 6356207. (Hereafter referred to as Ouchi)

Regarding **Claim 4** (depends from Claim 1); Obradovich discloses in paragraph 45 user interface 119 for providing voice notifications. Obradovich does not disclose other sound effects for user notification. Ouchi discloses in col. 5 lines 60-65 user notification via Voice and buzzer.

It would have been obvious for one of ordinary skill at the time of the invention to incorporate the combination of voice and buzzer notification in Ouchi into Obradovich for improved notification effectiveness.

Regarding **claim 6**( independent) Obradovich discloses in figs.1 and 2 and paragraph 45 a navigation system 205 in conjunction with user interface 119, are counterparts to control unit and multiplex communication unit, for inputting and

outputting navigation/traveling information for and by the user and verbally/aurally guiding user .

Obradovich does not disclose the use of other sound effect. Oouchi discloses in col. 5 lines 60-65 user notification via Voice and buzzer.

It would have been obvious for one of ordinary skill at the time of the invention to incorporate the combination of voice and buzzer notification in Oouchi into Obradovich for improved notification effectiveness.

Regarding **Claim 7/6** Oouchi discloses in col. 5 lines 60-65 the use of just a buzzer and display to indicate various information.

Regarding **Claim 10/6**, Oouchi discloses in col. 5 lines 60-65 the use of various just a buzzer and display to indicate various information.

Regarding **Claims 19/6** Obradovich discloses in paragraph 45 navigation unit 205 receiving and registering/storing destination settings information. The destination settings information is inherently customized; the navigation direction request mode being analogous to customized mode.

**Claims 14/6, 15/6,16/15/6,17/15/6,18/15/6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Obradovich and Oouchi in view of Robert Pierce Lutter et al U.S. Patent application 2002/0196134. (Hereafter referred to Lutter)

Regarding **Claim 14/6**, Obradovich does disclose a signal to control other vehicle mounted audio devices. Lutter discloses in paragraphs 23 and 24 an audio manager 14 that can override outputs of vehicle audio devices.

It would have been obvious for one of ordinary skill at the time of the invention to incorporate the volume lowering of Lutter into Obradovich for effective warning notification as taught by Lutter.

Regarding **Claims 15/6**, Lutter discloses in fig. 3 and paragraph 23 an audio manager 14 which set up audio output in accordance with preset priority.

Regarding **claims 16/15/6**, Lutter discloses in paragraph 24, the override or canceling of lower priority audio outputs/notifications.

Regarding **claims 17/15/6**, Lutter discloses in paragraph 23 the non connection of audio input/notification of lower priority when one of higher priority is engaged, the inherently specified number in this case being one.

Regarding **Claim 18/15/6**, Lutter discloses in paragraph 24, collision warning signal (higher priority) momentarily overriding music signal (lower priority), and music reconnected in absence of collision, thus music was waitlisted.

**Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Obradovich and Oouchi in view of John Franklin Ebersole et al I U.S. Patent Application 2003/0210228. (Hereafter referred to as Ebersole)

Regarding **Claim 5**, Obradovich and Oouchi discloses all the limitation of **claim 5** as applied to **claim 4** except changing sound effect for various states. Ebersole discloses in paragraph 130 the use of various sound effects in a navigation to indicate various.

It would have been obvious to one of ordinary skill at the time of the invention to use the sound effects of Ebersole into Obradovich to indicate various states in guidance/warning and answerback for improved effectiveness in alerting user.

**Claim 8, 9/8, 10/8, 19/8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Obradovich in view of Tomoaki Nakai US6618650 (Hereafter referred to Nakai).

Regarding **claim 8**, Obradovich discloses in figs.1 and 2 and paragraph 45 a navigation system 205 in conjunction with user interface 119, are counterparts to control unit and multiplex communication unit, for inputting and outputting navigation/traveling information for and by the user and verbally/aurally guiding user. Obradovich does not disclose the aural notification of door opening. Nakai discloses in figs. 1 and 13 and col.10 lines 15-20 the aural indication of a door opening.

It would have been obvious for one of ordinary skill to incorporate the door opening aural indication of Nakai into Obradovich for the purpose enhanced car security as taught by Nakai.

Regarding **Claim 9/8**, neither Obradovich nor Nakai discloses use of music as a sound effect. Obradovich having disclosed aural indication of door opening the incorporation music is function of user preference.

Regarding **Claim 10/8**, Obradovich discloses in paragraph 45 discloses the provision of aural and visual information by units 205 in combination with units 117 and 119.

Regarding **Claims 19/8** Obradovich discloses in paragraph 45 navigation unit 205 receiving and registering/storing destination settings information. The destination settings information is inherently customized; the navigation direction request mode being analogous to customized mode.

**Claim 14/8, 15/8, 16/15/8, 17/15/8, 18/15/8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Obradovich and Nakai in view of Robert Pierce Lutter et al U.S. Patent application 2002/0196134. (Hereafter referred to Lutter)

Regarding **Claim 14/8**, Obradovich does disclose a signal to control other vehicle mounted audio devices. Lutter discloses in paragraphs 23 and 24 an audio manager 14 that can override outputs of vehicle audio devices.

It would have been obvious for one of ordinary skill at the time of the invention to incorporate the volume lowering of Lutter into Obradovich for effective warning notification as taught by Lutter.

Regarding **Claims 15/8**, Lutter discloses in fig. 3 and paragraph 23 an audio manager 14 which set up audio output in accordance with preset priority.

Regarding **claims 16/15/8**, Lutter discloses in paragraph 24, the override or canceling of lower priority audio outputs/notifications.

Regarding **claims 17/15/8**, Lutter discloses in paragraph 23 the non connection of audio input/notification of lower priority when one of higher priority is engaged, inherently the specified number in this case being one.

Regarding **Claim 18/15/8**, Lutter discloses in paragraph 24, collision warning signal (higher priority) momentarily overriding music signal (lower priority), and music reconnected in absence of collision, thus music was waitlisted.

**Claim 12/1, 12/11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Obradovich in view of Shingo Kuwahara et al US Patent 5394332. (Hereafter referred to as Kuwahara).

Regarding **Claim 12/1, 12/11** Obradovich does not explicitly disclose audible time indication. Kuwahara discloses in Fig. 2, 4 and col. 7 lines 16-20 in light of col. 2 lines 6-19 the provision of audible indication of estimated indication of approach time to destination.

It would have been obvious for one of ordinary skill at the time of the invention to incorporate the audible indication of Kuwahara into Adachi to give driver an estimation of time.

**Claims 13/12/1,13/12/11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Obradovich and Kuwahara in view of William E. Mazzara et al US Patent Application 2004/0203951. (Hereafter referred to as Mazzara).

Regarding **Claim 13/12/1, 13/12/11** Kuwahara does not disclose explicitly the use of GPS to acquire time information. Mazzara discloses in fig 2 and paragraph 23 the use of GPS to acquire and display time information.

It would have been obvious for one of ordinary skill at the time of the invention to use the GPS of Mazzara in Kuwahara for purpose of providing local timing to vehicle.

**Claims 14/1, 14/11, 15/1, 15/11, 16/15/1, 16/15/11, 17/15/1, 17/15/11, 18/15/1, 18/15/11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Obradovich in view of Robert Pierce Lutter et al U.S. Patent application 2002/0196134. (Hereafter referred to Lutter)

Regarding **Claims 14/1, 14/11** Obradovich does disclose a signal to control other vehicle mounted audio devices. Lutter discloses in paragraphs 23 and 24 an audio manager 14 that can override outputs of vehicle audio devices.

It would have been obvious for one of ordinary skill at the time of the invention to incorporate the volume lowering of Lutter into Obradovich for effective warning notification as taught by Lutter.

Regarding **Claims 15/1, 15/11** Lutter discloses in fig. 3 and paragraph 23 an audio manager 14 which set up audio output in accordance with preset priority.

Regarding **claims 16/15/1 and 16/15/11** Lutter discloses in paragraph 24, the override or canceling of lower priority audio outputs/notification.

Regarding **claims 17/15/1 and 17/15/11**, Lutter discloses in paragraph 23 the non connection of audio input/notification of lower priority when one of higher priority is engaged; the specified number this case being one.

Regarding **Claims 18/15/1 and 18/15/11**, Lutter discloses in paragraph 24, collision warning signal (higher priority) momentarily overriding music signal (lower priority), and music reconnected in absence of collision, thus music was waitlisted.

**Claim 12/6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Obradovich and Oouchi in view of Shingo Kuwahara et al US Patent 5394332. (Hereafter referred to as Kuwahara).

Regarding **Claim 12/6** neither Obradovich nor Oouchi explicitly discloses audible time indication. Kuwahara discloses in Fig. 2, 4 and col. 7 lines 16-20 in light of col. 2 lines 6-19 the provision of audible indication of estimated indication of approach time to destination.

It would have been obvious fro ordinary skill at the time of the invention to incorporate the audible indication of Kuwahara into Adachi to give driver an estimation of time.

**Claim 13/12/6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Obradovich and Oouchi and Kuwahara in view of William E. Mazzara et al US Patent Application 2004/0203951. (Hereafter referred to as Mazzara).

Regarding **Claims 13/12/6** Kuwahara does not disclose explicitly the use of GPS to acquire time information. Mazzara discloses in fig 2 and paragraph 22 the use of GPS to acquire and display time information.

It would have been obvious for one of ordinary skill at the time of the invention to use the GPS of Mazzara in Kuwahara for purpose of providing local timing to vehicle.

**Claim 12/8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Obradovich and Nakai in view of Shingo Kuwahara et al US Patent 5394332. (Hereafter referred to as Kuwahara).

Regarding **Claims 12/8** neither Obradovich nor Nakai explicitly discloses audible time indication. Kuwahara discloses in Fig. 2, 4 and col. 7 lines 16-20 in light of col. 2 lines 6-19 the provision of audible indication of estimated indication of approach time to destination.

It would have been obvious from ordinary skill at the time of the invention to incorporate the audible indication of Kuwahara into Adachi to give driver an estimation of time.

**Claim 13/12/8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Obradovich and Nakai and Kuwahara in view of William E. Mazzara et al US Patent Application 2004/0203951. (Hereafter referred to as Mazzara).

Regarding **Claim 13/12/8** Kuwahara does not disclose explicitly the use of GPS to acquire time information. Mazzara discloses in fig 2 and paragraph 22 the use of GPS to acquire and display time information.

It would have been obvious for one of ordinary skill at the time of the invention to use the GPS of Mazzara in Kuwahara for purpose of providing local timing to vehicle.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJIAKO NWUGO whose telephone number is (571)272-

9755. The examiner can normally be reached on M - F 7.30am - 5.00pm EST,  
Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Lee can be reached on (571) 272 2963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OKN

/Benjamin C. Lee/  
Supervisory Patent Examiner, Art Unit 2612